

Draft Amendments to the Definitions Addendum, Basic Land Use Ordinance Dealing with Accessory Residential Units and In-Law Apartments

Proposed additions to the ordinances are underlined;
proposed deletions are ~~struck out~~.

1. Amend the definition of Accessory Residential Unit in the Definitions Addendum to read:

Accessory Living Residential Unit – A second dwelling unit contained within a single unit ~~family detached~~ dwelling or an accessory building on the same lot as a single unit ~~family detached~~ dwelling for use as ~~a~~ complete, independent living quarters, with provision for living, sleeping, bathing, and cooking. The accessory living unit shall be secondary, incidental and subordinate to the single unit residential use and shall not count as a dwelling unit for lot size or residential purposes.

1. ~~The accessory residential unit shall not be greater than seven hundred fifty (750) square feet or fifty percent (50%) of the total square footage of the primary dwelling, whichever is more restrictive.~~
2. ~~The accessory apartment shall be secondary, incidental and subordinate to the single family residential or commercial use.~~

2. Amend Section 11.12 Accessory Residential Units of the Basic Land Use Ordinance to read:

11.12. Accessory Living Residential Units. An accessory living unit shall comply with all of the following requirements:

- 11.12.1. The accessory living unit shall be clearly secondary and incidental to the primary use of the property as an owner-occupied one unit residential use;
- 11.12.2. The accessory living unit shall be design so that the property maintains the appearance of a one unit residential property when viewed from an adjacent road or abutting property;
- 11.12.3. The maximum gross floor area of the accessory living unit shall be the lesser of seven hundred fifty (750) square feet or fifty percent (50%) gross floor area of the primary dwelling unit;
- 11.12.4. The sewage disposal system shall be sized to accommodate sewage from both the primary dwelling unit and the accessory living unit and shall conform to the requirements of the Maine Subsurface Wastewater Disposal Rules;
- 11.12.5. The lot on which the accessory living unit will be located must conform to the Maine State Minimum Lot Size Rules when the addition of the accessory living unit is considered; and
- 11.12.6. The structure in which the accessory living unit is located shall conform to the setback and height requirements for the district in which it is located. If the existing structure is nonconforming, the addition of an accessory living unit shall not increase any nonconformity.

~~An accessory residential unit may be added to any dwelling unit provided that (a) the property is owner-occupied; (b) that Harpswell is the principal residence of the~~

~~occupant(s) of the accessory residential unit; (c) a building permit is obtained; (d) all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; (e) all requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with 22 M.R.S.A. § 42, as may be amended from time to time, are met; and (f) all requirements of the Maine State Minimum Lot Size Rules 12 M.R.S.A. § 4807, as may be amended from time to time, are met. The CEO shall have the right to inspect all accessory residential units to ensure compliance with this section.~~

3. Amend Section 15.22 “In-Law” Apartments of the Shoreland Zoning Ordinance to read:

15.22. Accessory Living Units. An accessory living unit shall comply with all of the following requirements:

15.22.1. The accessory living unit shall be clearly secondary and incidental to the primary use of the property as an owner-occupied one unit residential use;

15.22.2. The accessory living unit shall be design so that the property maintains the appearance of a one unit residential property when viewed from an adjacent road or abutting property;

15.22.3. The maximum gross floor area of the accessory living unit shall be the lesser of seven hundred fifty (750) square feet or fifty percent (50%) gross floor area of the primary dwelling unit;

15.22.4. The sewage disposal system shall be sized to accommodate sewage from both the primary dwelling unit and the accessory living unit and shall conform to the requirements of the Maine Subsurface Wastewater Disposal Rules;

15.22.5. The lot on which the accessory living unit will be located must conform to the Maine State Minimum Lot Size Rules when the addition of the accessory living unit is considered; and

15.22.6. The structure in which the accessory living unit is located shall conform to the setback and height requirements for the district in which it is located. If the existing structure is nonconforming, the addition of an accessory living unit shall not increase any nonconformity and shall conform to any limitation on the expansion of the structure.

~~**"In-Law" Apartments.** An apartment for a relative related by blood, marriage or adoption to the record owner(s) of the property may be added to any dwelling unit provided that (a) the property is owner-occupied; (b) a building permit is obtained; (c) all of the requirements of this Ordinance, with the exception of shore frontage, road frontage, and minimum lot size, are met; and (d) all requirements of the Maine Subsurface Wastewater Disposal Rules in accordance with 22 M.R.S.A. § 42, as may be amended from time to time, are met. The immediate removal of the “in-law” apartment shall be required upon discontinued use or occupation of the “in-law” apartment by the above-qualified relative of the record owner(s). The record owner(s) shall be responsible for informing the Code Enforcement Office when such use or occupation is discontinued. The record owner(s) shall annually register with the Code Enforcement Officer the legal name, mailing address and relationship to the record owner(s) of the relative occupying the “in-law” apartment and shall maintain a certificate of compliance with the Code Enforcement Officer. The Code Enforcement Officer shall have the right to inspect all “in-law” apartments to ensure compliance with this section.~~